REMARKS

Claims 1-3 and 5-17 were pending. Claims 9-16 were withdrawn from consideration by the Examiner pursuant to a previous restriction requirement. The Examiner rejected claims 1-3, 5, 7 and 8 and objected to claim 6. By way of this amendment, claims 1-3, 5-8 and 17 have been canceled and new claims 18-24 have been added. Applicant notes that new claims 18-24 correspond to canceled claims 1-3, 5-8 and 17, and include the two previous unentered amendments filed under 37 C.F.R. § 1.116. Care has been exercised to avoid the introduction of new matter. Adequate support for the amendment is found in the originally filed claims, and in the specification at page 15, lines 12-16. Accordingly, the Examiner is requested to enter the amendment.

The Examiner acknowledged Applicant's claim for foreign priority, however, stated that a certified copy of the priority document has not been received. Applicant notes that on October 16, 2001, Applicant submitted a certified copy of the priority document. A copy of the stamped postcard, forwarding letter and first page of the priority document is attached hereto to verify that the PTO received this document. Accordingly the Examiner is respectfully requested to acknowledged receipt of the priority document in the next correspondence.

Claim 1 was rejected under 35 U.S.C. § 112, first paragraph. Applicant respectfully traverses the rejection. Claim 1 has been canceled and, therefore, the rejection is moot. Moreover, Applicant submits that new claim 18 is in compliance with the first paragraph of 35 U.S.C. § 112, for the following reasons.

The Examiner stated that the specification does not disclose that the second conductor layer always transmits a ground potential. Applicant respectfully traverses. Claim 18 recites that the grounding conductor layer transmits a ground potential. Support for the amendment is found at page 15, lines 12-16. Applicant submits that the claim language is fully described in the specification in such a way as to reasonably convey to one skilled in the art that Applicant, at the time the application was filed, had possession of the claimed invention.

Claims 1, 3 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Harari (U.S. Pat. No. 5,198,380). Applicant respectfully traverses the rejection. Claims 1, 3, and 8 have been canceled and, therefore, the rejection is moot. Moreover, Applicant submits that new claims 18-24 are free of the applied art for the reasons set forth *infra*.

Claims 1-3, 5, 7 and 8 were rejected under 35 U.S.C. § 102(e) as being anticipated by Yoshida et al. (U.S. Pat. No. 6,329,680). Applicant respectfully traverses the rejection. Claims 1-3, 5, 7 and 8 have been canceled and, therefore, the rejection is moot. Moreover, Applicant submits that new claims 18-24 are free of the applied art for the reasons set forth *infra*.

Independent claim 18 is directed to a high-frequency semiconductor device comprising: a semiconductor substrate having a main surface; a first wiring provided over said main surface of said semiconductor substrate; and a grounding conductor layer continuously covering a periphery of said first wiring with a first insulator interposed therebetween in a section crossing a direction of extension of said first wiring, wherein said grounding conductor layer transmits a grounding potential.

Applicant submits that neither Harari nor Yoshida et al., disclose or suggest the claimed invention. It is noted that in FIG. 5f of Harari, reference numeral 509 is a control gate of EPROM or EEPROM, and cannot be considered the equivalent of a grounding conductor layer which transmits a grounding potential. Further, in Yoshida, reference numerals 12, 17 and M_1 are contact holes and a wiring which are connected to source/drain of MISFET. Similarly, these cannot be considered equivalents of a grounding conductor layer which transmits a grounding potential.

Moreover, as admitted by the Examiner, reference character 509 of Harari is the control gate of the EPROM or EEPROM. Although the control gate is capable of transmitting a grounding potential, the control gate is never physically grounded. In EPROM and EEPROM, it is necessary to apply the high voltage to the control gate when injecting electrons into the floating gate. Therefore, in a case where the control gate is grounded, it becomes impossible to apply the high voltage and thus the EPROM or EEPROM does not operate as such. Moreover, the conductor layers 12, 17 and M_1 are disclosed in Fig. 2 of Yoshida, for example. Although the conductor layers 12, 17 and M_1 are capable of transmitting a grounding potential, there is no possibility that all of the conductor layers 12, 17 and M_1 are physically grounded. If all of the conductor layers 12, 17 and M_1 are grounded, it is impossible to apply a voltage between source and drain and thus MISFET does not operate as such. In contrast, present claim 1, as amended, recites the limitation "grounding conductor layer" and therefore clearly describes that the "conductive layer" is physically grounded. Accordingly, the structure recited in amended claim 1 is patentably distinct from the structures disclosed in Harari and Yoshida.

Additionally, referring to Fig. 2 of Yoshida, for example, the conductor layer 12 and the conductor layer M_1 are not contacted to each other, rather there is a space between these conductor layers. In contrast, new claim 18 recites the limitation "continuously covering". Hence, claim 18 is patentably distinct from the structure of Yoshida.

In summary, none of the applied references disclose a semiconductor device comprising a grounding conductor layer which transmits a grounding potential. This is not an intended use but a design structural limitation. Neither the control gate of Harari or the plug of Yoshida et al. is arranged to transmit a grounding potential in the disclosed structures. Accordingly, Applicant submits that claims 18-24 are free of the applied art and the Examiner is respectfully requested to reconsider the imposed rejections.

In light of the amendments and remarks above, the application should be considered in condition for allowance and the case passed to issue. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: November 3, 2003